

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION

**IN RE: ASHLEY NICOLE GRECO**

**Debtor(s) Case No.: 15-43193-13**

**OBJECTION TO CLAIM NO. 17 OF BMW BANK OF NORTH AMERICA**

Comes now Movant the Debtor, Ashley N. Greco, and hereby objects to the Proof of Claim filed by creditor, BMW Bank of North America, in the amount of \$25,355.71, on 2/16/16. The court claim number is 17.

PURSUANT TO LOCAL RULE 3007-1 (C), THE CLAIMANT SHALL HAVE 30 DAYS AFTER SERVICE OF THE OBJECTION IN WHICH TO FILE A RESPONSE. THE RESPONSE SHALL BE IN WRITING AND STATE WHY THE CLAIM SHOULD BE ALLOWED AS FILED. IF A RESPONSE IS FILED, THE COURT WILL SCHEDULE A HEARING. IF NO TIMELY RESPONSE IS FILED, THE COURT WILL ENTER AN ORDER SUSTAINING THE OBJECTION TO THE CLAIM. PARTIES NOT REPRESENTED BY AN ATTORNEY SHALL MAIL A RESPONSE TO THE COURT AT THE ADDRESS BELOW. DEBTOR(S) NOT REPRESENTED BY AN ATTORNEY MUST BE SERVED A COPY OF THE RESPONSE BY MAIL.

The basis for the objection is as follows: (PLEASE CHECK ONLY THE APPLICABLE BOXES)

- ☐ The deadline for filing proofs of claim expired prior to the filing of the claim, so the claim should be disallowed in its entirety. (Not applicable in Chapter 7)
- ☐ The claim should be disallowed entirely because \_\_\_\_\_.
- ☒ The claim should instead be allowed as a wholly unsecured claim in the amount of \$25,355.71 because the claimant has failed to show it has a properly perfected security interest pursuant to FRBP 3001(d). Claimant filed a copy of a certificate of title for the alleged collateral underlying its supposed security agreement. However, the certificate of title does not list BMW Bank of North America as a lienholder on the vehicle. Therefore BMW Bank of North America does not have a perfected security interest.
- ☐ The claim should instead be allowed as secured in the amount of \$\_\_\_\_\_ and unsecured in the amount of \$\_\_\_\_\_ because\_\_\_\_\_.
- ☐ Other:\_\_\_\_\_

Dated: March 18, 2016

Respectfully submitted,

**LAWSON LAW CENTER LLC**

/s/ Steven A. Shepherd

Terry L. Lawson, Jr. MO #53203

Steven A. Shepherd MO #66222

700 E. 8<sup>th</sup> Street, Suite 300

Kansas City, MO 64106

816-802-6677

816-816-6678 fax

terry@llckc.com & steve@llckc.com

ATTORNEY FOR DEBTOR

**CERTIFICATE OF SERVICE**

I certify that the foregoing document was served on the following parties via ECF where available and sent via U.S. Mail, postage prepaid, on March 18, 2016.

BMW Bank of North America

PO Box 201347

Arlington, TX 76006

NOTICE ADDRESS OF CREDITOR ON PROOF OF CLAIM

Scott Beauchamp, Paralegal

Ascension Capital Group

PO Box 201347

Arlington, TX 76006

ADDRESS OF PROOF OF CLAIM SIGNATORY

Attn: BMW Bank of North America Department

Ascension Capital Group

Account: XXXXX1586

P.O. Box 201347

Arlington, TX 76006

ADDRESS OF CREDITOR ON REQUEST FOR NOTICES

Office of the United States Trustee

400 E. 9<sup>th</sup> St. Rm. 3440

Kansas City, MO 64106

Richard V. Fink, Ch. 13 Trustee

2345 Grand Blvd., Suite 1200

Kansas City, MO 64108-2663

Synchrony Bank

c/o Recovery Management Systems Corporation

25 SE 2nd Avenue, Suite 1120

Miami, FL 33131-1605

/s/ Steven A. Shepherd

ATTORNEY FOR DEBTOR